

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:15-CR-00018-KDB-DSC-1

USA

v.

THEODORE ANTONIO FERGUSON

)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on Defendant Theodore Antonio Ferguson's motion for reconsideration of compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) and the First Step Act of 2018. (Doc. No. 36). Having carefully reviewed the Defendant's motion and all other relevant portions of the record, the Court will deny the motion.

Defendant's prior motions for compassionate release were denied because Defendant did not present extraordinary and compelling reasons for this Court in its discretion to grant compassionate release. The fact that the medical staff at FMC Lexington¹ was able to successfully treat Defendant for COVID-19, despite his Deep Vein Thrombosis ("DVT") and blood disorder, serves as the best evidence that they are well-suited to treat him again even if it is possible that he could get re-infected. The primary basis of the motion was to avoid the risk of a virus that he has already faced and beaten. (Doc. No. 29). In Defendant's prior reply brief, he complained of constant headaches and DVT, however, the Court appropriately considered those

¹ According to the Bureau of Prison's (BOP) website, FMC Lexington currently has 1 inmate and 1 staff with confirmed active cases of COVID-19. There have been 10 inmate deaths and zero staff deaths, while 603 inmates have recovered and 183 staff have recovered. Additionally, 1,232 inmates have been fully inoculated and 453 staff have been fully inoculated.

complaints in its order denying his motion for compassionate release. (Doc. No. 29, at 8). Defendant further stated that he suffers from low liver enzyme production and pointed to two blood test results recording his AST and ALT score and flagging them as “low”. (Doc. No. 33, at 9). Notably, his results are not flagged as “low critical”, “abnormal”, or “abnormal critical”, and nowhere in his medical records, which constituted over 200 pages, is low liver enzyme production mentioned or considered a serious medical condition. As this Court concluded in its prior order, Defendant failed to establish “extraordinary and compelling” reasons for a sentence reduction under § 2582(c)(1)(A). Defendant presents no new medical evidence that this Court has not previously considered and the Court finds no reason to change its prior rulings.

IT IS, THEREFORE, ORDERED, that the Defendant’s motion for reconsideration of compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) and the First Step Act of 2018 (Doc. No. 36), is **DENIED**.

SO ORDERED.

Signed: March 9, 2022

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

